

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **SYSTEM AND METHOD FOR ADAPTING CONTENT FOR SENSORY AND PHYSICALLY CHALLENGED PERSONS USING EMBEDDED SEMANTIC ELEMENTS IN A PROCEDURALLY BASED MESSAGE FILE**, the specification of which

(check one)  is attached hereto.

was filed on \_\_\_\_\_  
Application Serial No. \_\_\_\_\_  
and was amended on \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

<b>Prior Foreign Application(s)</b>			<b>Priority Claimed</b>	
<u>none</u>			<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
			<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>09/627,357</u> (Application Serial No.)	<u>07/28/00</u> (Filing Date)	<u>Pending</u> (Status: patented, pending, abandoned)
<u>09/627,645</u> (Application Serial No.)	<u>07/28/00</u> (Filing Date)	<u>Pending</u> (Status: patented, pending, abandoned)
<u>09/627,358</u> (Application Serial No.)	<u>07/28/00</u> (Filing Date)	<u>Pending</u> (Status: patented, pending, abandoned)
<u>09/628,205</u> (Application Serial No.)	<u>07/28/00</u> (Filing Date)	<u>Pending</u> (Status: patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional applications listed below:

none \_\_\_\_\_ (Application Serial No.) \_\_\_\_\_ (Filing Date)

I hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Harold C. Hohbach, Reg. No. 17,757; Aldo J. Test, Reg. No. 18,048; Donald N. MacIntosh, Reg. No. 20,316; Edward S. Wright, Reg. No. 24,903; David J. Brezner, Reg. No. 24,774; Richard E. Backus, Reg. No. 22,701; James A. Sheridan, Reg. No. 25,435; Robert B. Chickering, Reg. No. 24,286; Richard F. Trecartin, Reg. No. 31,801; Steven F. Caserza, Reg. No. 29,780; Michael A. Kaufman, Reg. No. 32,988; Edward N. Bachand, Reg. No. 37,085; R. Michael Ananian, Reg. No. 35,050; Robin M. Silva, Reg. No. 38,304; Maria S. Swiatek, Reg. No. 37,244; provided that if any one of said attorneys ceases being affiliated with the law firm of Flehr Hohbach Test Albritton & Herbert, LLP as partner, employee or of counsel, such attorney's appointment as attorney and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated.

Direct all telephone calls to R. Michael Ananian at (415) 781-1989.

Address all correspondence to:

FLEHR HOHBACH TEST  
ALBRITTON & HERBERT LLP  
Suite 3400, Four Embarcadero Center  
San Francisco, California 94111

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: Daniel H. Illowsky

Inventor's signature: Dan H. Illowsky

Date: November 4, 2000

Residence: Cupertino, California

Citizenship: UNITED STATES

Post Office Address: 21363 Dexter Drive

Cupertino, California 95014

Applicant or Patentee: Daniel H. Illowsky  
Serial or Patent No.:   
Entitled:

Attorney \_\_\_\_\_ Docket No.: A-69994/RMA  
Filed or Issued: herewith

**SYSTEM AND METHOD FOR ADAPTING CONTENT FOR SENSORY AND PHYSICALLY CHALLENGED PERSONS  
USING EMBEDDED SEMANTIC ELEMENTS IN A PROCEDURALLY BASED MESSAGE FILE**

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

the owner of the small business concern identified below:  
 an official of the small business concern empowered to act on behalf of the concern identified below:

**STORYMAIL.NET, 15729 Los Gatos Boulevard,  
Los Gatos, CA 95032**

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled **SYSTEM AND METHOD FOR ADAPTING CONTENT FOR SENSORY AND PHYSICALLY CHALLENGED PERSONS USING EMBEDDED SEMANTIC ELEMENTS IN A PROCEDURALLY BASED MESSAGE FILE** and having the named inventor **Daniel H. Illowsky**

the application filed concurrently herewith

Serial No. \_\_\_\_\_ filed \_\_\_\_\_

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME: \_\_\_\_\_  
ADDRESS:  
 INDIVIDUAL     SMALL BUSINESS CONCERN     NONPROFIT ORGANIZATION

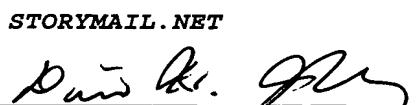
NONE

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

**STORYMAIL.NET**

SIGNATURE



Daniel H. Illowsky  
Vice President & Chief Technology Officer,  
15729 Los Gatos Boulevard, Los Gatos, CA 95032

DATE November 4, 2000

## RECORDATION FORM COVER SHEET

## PATENTS ONLY

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):  Daniel H. Illowsky	2. Name and address of receiving party(ies):  StoryMail.net 15729 Los Gatos Boulevard Los Gatos, California 95032
Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3. Nature of Conveyance:  [X] Assignment <input type="checkbox"/> Merger [ ] Security Agreement <input type="checkbox"/> Change of Name [ ] Other _____	Additional name(s) & address(es) attached?  [ ] Yes <input checked="" type="checkbox"/> No
Execution Date: November 4, 2000	

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: November 4, 2000

A. Patent Application No.(s)	B. Patent No.(s)
Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
5. Name and address of party to whom correspondence concerning document should be mailed:  R. Michael Ananian FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP 4 Embarcadero Center #3400 San Francisco, CA 94111	6. Total number of applications and patents involved: [1]
11/08/2000 HLE333 00000021 09706617 03 FC:581 40.00 OP	7. Total fee (37 CFR 3.41): ..... \$40.00 <input checked="" type="checkbox"/> Enclosed <input type="checkbox"/> Authorized to be charged to deposit account
	8. Deposit account number: 06-1300 Please debit any underpayment or credit any overpayment to the above deposit account.
	Our Order No. <u>A-69994/RMA</u>

DO NOT USE THIS SPACE

## 9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

R. Michael Ananian  
Name of Person Signing

R. Michael Ananian  
Signature

November 4, 2000  
Date

Total number of pages including cover sheet, attachments and document: [3]

OMB No. 0651-0011 (exp. 4/94)

Do not detach this portion

Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patents and Trademarks, Box Assignments  
Washington, DC 20231

File No. A-69994/RMA

A-69994/RMA  
1020025

JC927 U.S. PTO  
109/706617  
11/04/00

ASSIGNMENT

WHEREAS, **DANIEL H. ILLOWSKY of Cupertino, California** has invented certain new and useful improvements in **SYSTEM AND METHOD FOR ADAPTING CONTENT FOR SENSORY AND PHYSICALLY CHALLENGED PERSONS USING EMBEDDED SEMANTIC ELEMENTS IN A PROCEDURALLY BASED MESSAGE FILE** and has executed an application for a United States patent disclosing and identifying the invention; and

WHEREAS, StoryMail.net, a corporation of the State of California, having a place of business at 15729 Los Gatos Boulevard, Los Gatos, California 95032, hereinafter termed "Assignee"), is desirous of acquiring the entire right, title and interest in and to said application and the invention disclosed therein, and in and to all embodiments of the invention, heretofore conceived, made or discovered by said Inventor (all collectively hereinafter termed "said invention"), and in and to any and all patents, inventor's certificates and other forms of protection (hereinafter termed "patents") thereon granted in the United States and foreign countries.

NOW, THEREFORE, for a valuable consideration receipt whereof is hereby acknowledged:

1. Said Inventor does hereby sell, assign, transfer and convey unto said Assignee, the entire right, title and interest (a) in and to said application and said invention; (b) in and to all rights to apply for foreign patents on said invention pursuant to the International Convention for the Protection of Industrial Property or otherwise; (c) in and to any and all applications filed and any and all patents granted on said invention in the United States or any foreign country, including each and every application filed and each and every patent granted on any application which is a division, substitution, or continuation of any of said applications; and (d) in and to each and every reissue or extensions of any of said patents.

2. Said Inventor hereby covenants and agrees to cooperate with said Assignee to enable said Assignee to enjoy to the fullest extent the right title and interest herein conveyed in the United States and foreign countries. Such cooperation by said Inventor shall include prompt production of pertinent facts and documents, giving of testimony, execution of petitions, oaths, specifications, declarations or other papers, and other assistance all to the extent deemed necessary or desirable by said Assignee (a) for perfecting in said Assignee the right, title and interest herein conveyed; (b) for prosecuting any of said applications; (c) for filing and prosecuting substitute, divisional, continuing or additional applications covering said invention; (d) for filing and prosecuting applications for reissuance of any said patents; (e) for interference or other priority proceedings involving said invention; and (f) for legal proceedings involving said invention and any applications therefor and any patents granted thereon, including without

limitation opposition proceedings, cancellation proceedings, priority contests, public use proceedings, infringement actions and court actions; provided, however, that the expense incurred by said Inventor in providing such cooperation shall be paid for by said Assignee.

3. The terms and covenants of this assignment shall inure to the benefit of said Assignee, its successors, assigns and other legal representatives, and shall be binding upon said Inventor his heirs, legal representatives and assigns.

4. Said Inventor hereby warrants and represents that he has not entered and will not enter into any assignment, contract, or understanding in conflict herewith.

IN WITNESS WHEREOF, the said Inventor has executed and delivered this instrument to said Assignee on the date set forth below:

November 4, 2000

Date

  
DANIEL H. ILLOWSKY

State of California )  
County of Santa Clara )

On November 4, 2000, before me, Kathleen M. Smith, Notary Public of the State of California, personally appeared DANIEL H. ILLOWSKY, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature Kathleen M. Smith



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